

Proposed additions or modifications to the TCPA

I propose that the TCPA be amended to incorporate the following suggestions:

Specify first and last name of the telemarketing operator placing the call is required in all calls. This regulation would make it easy to identify the calling employee and verify that they worked for telemarketer at the time of the call. Currently the regulations state that they must give their name, but do not specify that it be a first and last name. Many of the telemarketers who call refuse to provide first and last name when I request it. Clarifying that first and last name is required will eliminate any confusion.

Require that the company provide the phone number and street address of the telemarketing company upon request. This allows us to validate the precise location of the telemarketing firm and make sure there is no ambiguity about which company it is. Some companies have used similar names, and requiring them to provide both telephone and the address if that information is requested. Currently, the regulation says they have to give you a phone number or address but not both. This is ok for the initial introduction, but want to make sure they have to give this information if we ask for it.

Prohibit blocking or disguising of the Caller ID information on telemarketing calls. This would allow people who do not want to pick up a call to be able to have a choice about it. The telemarketing industry claims they don't want to call people who don't want to be called and this would make sure that happens.

Prohibit calls made that have no one on the calling end (blank calls, dead air). I get more telemarketing calls that result in no one on the line than telemarketing calls with someone on the line. This is very disruptive. They should not be calling unless they intend to talk rather than make sure their queue is full. There should be a prohibition on using auto-dialing machines that dial more numbers than there are operators to handle them.

Require operators to know how long number will be on list (ten years). Since telemarketers are supposed to be trained in the existence and use of do-not-call lists, this is a natural question a consumer would want to know.

Require that the amount of time that a number will be on the do-not-call list be specified in the written policy. This allows the consumer to be fully aware of their rights under the TCPA. My daughter has received one do-not-call written policy, but it didn't mention how long the number would be on the list.

Require operators to know how long it will be before the written policy will arrive. This allows the consumer to be informed as to when to expect it.

Require written policy be sent to consumer within two weeks, so that the consumer can deal with the issue in a timely manner. My experience so far is that a majority of the telemarketers do not send the written do-not-call policy as requested.

Federal prosecution with stiff fines should be the order of the day if the company fails to pay judgments ordered by a state or local court. If we have done our part in handling illegal sales call, the Federal government should finish it up if the company fails to pay lawful awards. A number of the web sites I've looked at say they have been awarded some amount, but have received payments from some companies, and not from others. Many of these sites complain that the government doesn't handle these violators. This provision is a nice

compromise since the government doesn't have to do the initial legwork on a case.

The government should provide a national do-not-call list. The telemarketing industry claims it doesn't want to call people that don't want to be called, and this would do that for them. It is very vexing to realize that I have to tell each company that I don't want to receive their calls. It would much nicer if we could post our number as do-not-call once and have it cover all the companies engaged in telemarketing.

In conclusion, the telemarketing industry keeps saying that existing regulation works and shouldn't be modified. Most of the telemarketers violate the TCPA in each call I get, so it isn't really working that well. If a clear path of correction is available to the consumer, we will probably be happy with that. The changes to the TCPA that I have recommended above strengthens the consumer's ability to handle violations without too much additional burden on the agencies charged with administrating the rules.

Thank you kindly for your consideration.

Jeff Mitchell